

DEC. 20. 2001 2:28PM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Strickholm et al.

Attorney Docket No.: 50449-00002

Serial No.: 10/004,384

Group Art Unit: Unknown

Filed: 10/31/2001

Examiner: Unknown

Title: System And Method For
Communication Within A CommunityAssistant Commissioner for Patents
Box Filing Date
Washington, D.C. 20231CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8
I hereby certify that this is being facsimile transmitted to the United States
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on: December 20, 2001

By: Jean A. Burns
Name: Jean A. Burns

PETITION TO ACCORD A FILING DATE TO PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

PETITIONS OFFICE

As attorney for applicants in the above captioned matter, I am requesting that the patent application in question be accorded a filing date of October 31, 2001. Attorneys for applicant officially became aware of a problem when the USPS never returned a copy of the express mail label to attorney for applicants. An online inquiry at usps.com on 11/21/01 indicated that the express mail package, #EF39 7474 852US arrived at the Denver, Colorado 80249 processing center at 8:02 pm on October 31, 2001 (a copy of the web page returned from this inquiry is attached). Several telephone calls to the USPS revealed no further helpful information.

Attorney for applicants received its return postcard from the USPTO included with the filing documents on December 17, 2001, indicating a filing date of December 6, 2001, six weeks later than the actual date in (a copy of the return postcard is attached). A second online inquiry at usps.com on 12/17/01 indicated that the filing documents arrived as 4:46 pm on December 01, 2001 in Suitland, Maryland 20746, and again indicating that the filing documents were enroute on October 31, 2001 at 8:02 pm (a copy of the web page returned from this inquiry is attached).

Attorney for applicants are at a loss as to how to explain the delay in delivery. Mail disruption surrounding the events of September 11, 2001 may have affected the delivery of the filing documents to the USPTO. However, on October 31, 2001, there were no special instructions in effect to alert attorney for applicants that special or different provisions should be

made. In fact, on October 26, 2001, notice was placed on the USPTO website that the United States Postal Service Interruptions and Emergency had been terminated (a copy of the web page with the notice is enclosed). Thus, attorney for applicants had every reason to rely upon the USPS express mail service to affect a filing date of October 31, 2001, the date in that #EF39 7474 852US was placed in the care of the USPS.

Also in support of this petition, please see the statement of Jean A. Burns, Intellectual Property Assistant for Gibson, Dunn & Crutcher LLP (attached)

Respectfully submitted,

Gibson, Dunn & Crutcher LLP

By: 

Stanley J. Gradisar, Esq.

Registration No. 42,598

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Date: December 20, 2001

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J1000 U.S. PTO

10/004384



10/31/01

Date: 10-31-01Applicant: Strickholm

Serial No: _____

Title: System and Method for Communication
Within a Community

RECEIPT IS HEREBY ACKNOWLEDGED FOR:

1) Trans Form2) Patent App - Specs = 89 pgs
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UNITED STATES POSTAL SERVICE INTERRUPTIONS AND EMERGENCY TERMINATED

Office of Patent Legal Administration << Pre-OG Notices << UNITED STATES POSTAL SERVICE INTERRUPTIONS AND EMERGENCY TERMINATED

The tragic events in New York City on September 11, 2001, resulted in all Post Offices in the borough of Manhattan being closed. Currently, only the Church Street Post Office in Manhattan remains closed as a result of the events of September 11, 2001, and all other Post Offices throughout Manhattan are open for business. In addition, all Post Offices throughout the United States should be accepting the deposit of mail for delivery by Express Mail service. Therefore, the

United States Patent and Trademark Office (USPTO) is terminating the postal service interruptions and emergency declared in the Official Gazette Notice entitled "United States Postal Service Interruptions", 1251 Off. Gaz. Pat. Office 55 (October 9, 2001), and posted on the USPTO website.

Any questions regarding this Notice should be directed to Eugenia Jones by e-mail at eugenia.jones@uspto.gov or telephone at 703-306-8586, for patent-related matters, or Carol Smith by e-mail at carol.smith@uspto.gov or by telephone at 703-308-8910 (ext 149), for trademark-related matters.

Date: 10/26/2001

Signed: /s/

Nicholas P. Godici
Acting Under Secretary of
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STATEMENT OF JEAN A. BURNS

I, Jean A Burns, hereby state that on October 31, 2001 I signed the Utility Patent Application Transmittal, regarding delivery by "Express Mail Post Office to Addressee" service, for the above referenced patent application, and placed the patent application filing papers in an Express Mail envelope, having Tracking No. EF39 7474 852US, addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231. This Express Mail envelope was placed in the bin for pick by the USPS outside our offices at 1801 California Street, Suite 4100, Denver, CO 80202, which is our standard business practice.

Signed this 20th day of December, 2001.



Jean A. Burns

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